

SEAN A. KAUFHOLD

Patent Attorney
P.O. Box 89626
Sioux Falls, SD 57109
Ph: 605-334-1571

RECEIVED
CENTRAL FAX CENTER

NOV 29 2005

Date: 11/29/2005

Fax Number: 703-273-8300

To: Examiner Gloria M. Hale

From: Sean Kaufhold

RE: Camouflaging Apparatus

Serial No. 10/783,432

Office Action

Total Number of Pages (Including cover sheet): 23

****Please call us as soon as possible if you do not receive all pages.***

PRIVILEGE AND CONFIDENTIALITY NOTICE

The information contained in this fax message is privileged and confidential information intended only for the use of the individual or entity named below. If the reader of this fax message is not the intended recipient, or the employee agent responsible to deliver to the intended recipient, you are hereby on notice that you are in possession of the confidential and privileged information. Any dissemination, distribution or copying of this communication is strictly prohibited. You will immediately notify the sender by telephone of your inadvertent receipt. Return the original fax message to sender at the address herein given via the United States Postal Service.

Telephone: (605) 334-1571

kaufholdlaw@yahoo.com

Fax: (605) 334-1574

10 out of 11

RECEIVED
CENTRAL FAX CENTER

NOV 29 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO |
|---|-------------|----------------------|---------------------|-----------------|
| 10/783,432 | 02/23/2004 | Don K. Woolen | B11A465 | 6319 |
| 44088 | 7390 | 11/02/2005 | EXAMINER | |
| SEAN KAUFFOLD P. O. BOX 89626 SIOUX FALLS, SD 57109 | | | ART UNIT | PAPER NUMBER |

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

10/783,432

Applicant(s)

WOOTEN, DON K.

Examiner

Gloria Hale

Art Unit

3765

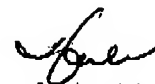
--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on -8-05 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

In regard to number 2 above the "Status of the Claims" is incorrect. In Section III.B.1 of the Brief it is indicated that claims 1-14 have been canceled. Then in III.B.3 it is stated that claims 1-14 are pending. These statements are in conflict and a correction is necessary.



Gloria Hale
Primary Examiner
Art Unit: 3765